

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1054 of 1995

to

FIRST APPEAL No 1062 of 1995

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SPL LAQ OFFICER

Versus

CHAUDHARI PREMAJIBHAI BENABHAI

Appearance:

Mr. M.R. Anand GP with Mr. L.R. Pujari for appellants.

Mr. Nitin Amin for respondents.

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 26/04/96

ORAL JUDGEMENT

1. Admitted. Mr. Nitin Amin waives service on behalf of respondents.

2. At the joint request of learned counsel for the respective parties, the matters are taken up for final hearing today.

3. As a result of the hearing it becomes apparent and it is common ground that the District Court has, to a substantial extent, relied upon the earlier decisions under section 18 of the Land Acquisition Act, being Land Reference Case Nos.77/87 to 98/97. This is apparent from paragraph 15 of the impugned judgement.

4. It is also agreed between the learned counsel for the respective parties that the awards in the aforesaid L.A.R. Nos.77/87 to 98/87 were challenged by the State in this court being First Appeal Nos.1023/95 to 1044/95, and that the same were decided by me by judgement and order dated 26th February 1996. Learned counsel for the respective parties, therefore, agree that the land value as determined in my previous judgement would also govern the acquisition in the instant case, and that the impugned awards would require to be modified accordingly.

5. For the reasons stated in my aforesaid decision, the awards impugned in the present group of appeals would stand modified, only to the extent that the land value as determined by the District Court under section 18 of the Land Acquisition Act at Rs.10/- per square meter would stand reduced to Rs.8/-/- per square meter. As a necessary consequence the solatium and interest would also stand reduced to the necessary extent. Accordingly the value of the lands under acquisition in the present group of reference is determined at Rs.8/- per square meter and the claimants would, therefore, be entitled to compensation on this basis.

6. These appeals are, therefore, partly allowed with no orders as to costs.

7. Decree accordingly.

8. The appellant-State is directed to deposit the decretal amount together with costs and interest in the trial court separately in each Land Reference Case within three months from the date of receipt of writ of this court.
